

Wireless Telecommunications Facilities Ordinance

Code Amendment No. 2012-004



Planning Commission
Study Session
September 6, 2012

STAFF PRESENTATION



Background



- **Existing Ordinance Adopted in 2002**
- **Comprehensive update**
 - Update to reflect changes in law
 - Intended to balance needs of community by:
 - Providing for increasing demand for wireless networks
 - Mitigating the impacts of future telecom facilities
- **Planning Commission Hearing on 7/19/2012**
 - Written comments received from 4 parties

Background



- **Commission requested:**
 - **Study session**
 - **Additional outreach with telecom industry and interested parties**
- **Stakeholder meeting conducted on 7/25/2012**

Comments & Responses



1. Discretionary Permit Process

■ Comment

- Provide for administrative approval
- Limit discretionary process

■ Response/Recommendation

- Administrative approval of screened or stealth facilities without public notice
- Zoning Administrator review for most facilities
- Planning Commission review for highly visible facilities located near residences

Comments & Responses



2. Legal Nonconforming Facilities

■ Comment

- Will nonconforming facilities be required to change or be eliminated

■ Response/Recommendation

- Existing, lawfully established facilities may continue
- New or modified facilities must comply
- Revise draft ordinance to enhance clarity

Comments & Responses



3. Definitions

- **Comment**
 - **Confusing**

- **Response/Recommendation**
 - **Clarify definitions**
 - **Base station, public right-of-way, support equipment, wireless tower, and listed antenna support structures**

Comments & Responses



4. Technology requirements

■ Comment

- "...the most efficient, diminutive and least obtrusive technology..."

■ Response/Recommendation

- Revise draft ordinance to remove "least efficient" or "diminutive" and stress "least obtrusive"

Comments & Responses



5. Location Preferences

- **Comment**
 - Proposed classification system is confusing
- **Response/Recommendation**
 - Clarify classification system
 - Eliminate "Collocation" class
 - Provide "Public Right-of-Way" class

Comments & Responses



6. Prohibited Locations

■ Comment

- Industry wants access to all zones, including residential

■ Response/Recommendation

- Access to multi-family zones improved
- Access to single- and two-family zone areas provided within the public right-of-way (PROW)
- No change to draft ordinance recommended

Comments & Responses



7. Installations in the Public Right-of-Way

■ Comment

- Draft ordinance too limiting on use of PROW
- Underground vaults for support equipment infeasible

■ Response/Recommendation

- City controls time, place and manner of use of the PROW – proposed process is reasonable
- Underground vaults feasible, Title 13 does provide for flexibility
- Revise draft ordinance to eliminate conflicting or duplication

Comments & Responses



8. General Development and Design Standards

■ Comment

- Screening is burdensome and is unfair treatment considering no screening of Edison facilities

■ Response/Recommendation

- Screening of telecom facilities is supported by applicable law and case law
- No change to draft ordinance recommended

Comments & Responses



9. Height

■ Comment

- Taller facilities requested & Variance process difficult

■ Response/Recommendation

- Draft ordinance treats telecom facilities similar to other structures
- Clarify provisions but no change to proposed height standards

Comments & Responses



10. Setback Standards

■ Comment

- Proposed “fall zone” setback equal to 110% height is excessive and unnecessary

■ Response/Recommendation

- Staff agrees, eliminate proposed additional setback

Comments & Responses



11. Screening Standards

- **Comment**
 - Restrictive, duplicative and flexibility needed
- **Response/Recommendation**
 - Revise draft ordinance to reflect changes in antenna classes (Collocation & PROW)
 - Revise to allow exceptions when requirements are infeasible

Comments & Responses



12. Permit Review Procedures

■ Comment

- Review procedures burdensome
- Elimination of application submittal requirements

■ Response/Recommendation

- Provide administrative approval for Class 1 (screened/stealth)
- Submittal requirements specified by CD Director within application consistent with Zoning Code

Comments & Responses



13. License Agreements for City-Owned Property

■ Comment

- Streamline entitlement process
- Fee could violate State law

■ Response/Recommendation

- Concurrent processing should be allowed
- Established fee is within City's right to regulate time, place and manner of use of PROW

Comments & Responses



14. Modification of existing facilities

■ Comment

- Draft complicated
- 10% should be threshold for administrative approval

■ Response/Recommendation

- Simplify draft
- 5% threshold based upon community sensitivity to height & desire to protect views

Comments & Responses



15. Radio Frequency (RF) Emissions Reporting

■ Comment

- FCC oversight sufficient, ordinance requirement is burdensome

■ Response/Recommendation

- Verification cannot be burdensome
- No change to requirement

Summary



- **Provide administrative approval for Class 1 facilities (screened/stealth)**
- **Eliminate “co-location” antenna class**
- **Create “public right-of-way” antenna class**
- **Reduce/eliminate complicating definitions**

Summary



- **Limit Planning Commission review to most visually obtrusive proposals**
- **Eliminate “Fall Zone” setback proposal**
- **Revise draft to simplify and clarify**

Next Steps



- **Staff to revise ordinance**
- **Provide revised draft in advance of meetings or hearings**
- **Additional stakeholder meeting**
- **Return to Planning Commission – date TBD**



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